

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DONICA SANTOS,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No. 1:22-cv-00361-EPG

STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C. § 2412(d),
AND COSTS PURSUANT TO 28 U.S.C. § 1920

(ECF No. 29)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount \$7,130.81 (SEVEN THOUSAND ONE HUNDRED dollars EIGHT-ONE cents) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and zero costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment will

1 depend on whether the fees are subject to any offset allowed under the United States Department
2 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will
3 determine whether they are subject to any offset.

4 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines
5 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,
6 expenses and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff.
7 Any payments made shall be delivered to counsel.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
9 attorney fees and does not constitute an admission of liability on the part of Defendant under the
10 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and
11 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating
12 to EAJA attorney fees in connection with this action.

13 This award is without prejudice to the rights of counsel and/or counsel's firm to seek Social
14 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
15 EAJA.

16
17 DATE: June 2, 2023

/s/ Jared Thomas Walker
JARED THOMAS WALKER
Law Office of Jared T. Walker, PC
Attorney for Plaintiff
*Authorized via e-mail on June 1, 2023

20 PHILLIP A. TALBERT
21 United States Attorney
22 MATHEW W. PILE
23 Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration

24
25 By /s/ Elizabeth Landgraf
26 ELIZABETH LANDGRAF
Special Assistant United States Attorney

27 Attorneys for Defendant
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ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees, Costs, and Expenses (ECF No. 29), IT IS ORDERED that fees in the amount of \$7,130.81 as authorized by 28 U.S.C. § 2412, and zero costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation. Further, in light of the Stipulation, the Clerk of Court is directed to terminate Plaintiff's motion for attorney fees (ECF No. 25) as moot.

IT IS SO ORDERED.

Dated: **June 5, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE